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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,264	04/24/2000	Glen Kazumi Okita	02365.P0015	8596

7590 05/16/2003

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT	PAPER NUMBER
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2676

12

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/557,264

Applicant(s)

OKITA ET AL.

Examiner

Greg Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13,14,16,19-22 and 24-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,4-10,13,14,16,19-22 and 24-26 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications of amendment received 03/07/2003.
2. The disposition of the claims is as follows: claims 1, 4-10, 13, 14, 16, 19-22 and 24-26 are pending in the application. Claims 1, 9, 13 and 24-26 are independent claims.

Claim Rejections - 35 USC § 101

3. In view of amended claims 1, 13 and 24-26, rejection is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5, 7-10, 13, 14, 16, 19 and 24-26 are rejected under 35 U.S.C. 102(b) as being disclosed by Microsoft Project for Windows, hereafter MS-Project.

A. Per claim 1, MS-Project discloses on p. 288-289, (detailed in figure on p. 289), “A method of displaying information relating to a workflow driven by a computer system (PERT chart) comprising: executing the workflow; gathering execution statistics information relating to the execution of the workflow on the computer system (items E – I); displaying a workflow diagram on a display screen associated with the computer system (p. 289, figure); and overlaying

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the execution statistics over the workflow diagram, wherein the overlaid information indicates workflow statistics for various steps displayed in the workflow diagram (items E – I)”.

B. Per claim 4, “The method of claim 1, wherein the overlaid execution statistics indicates the number of times a certain step was executed” is disclosed supra for claim 1, wherein for repeated workflow tasks the task ID number shown at ‘E’ in figure on p. 289 would be the same indicating multiple identical tasks but most likely with different start and stop times.

C. Per claim 5, “The method of claim 1, further comprising: selectively overlaying the gathered execution statistics over the workflow diagram” is disclosed supra for claim 1.

D. Per claim 7, “The method of claim 1, further comprising: color coding the displayed execution statistics information” is disclosed supra for claim 1 especially under ‘Task type’ and ‘Border’ on p. 289.

E. Per claim 8, “The method of claim 7, wherein the execution statistics are color coded based on threshold values” is disclosed supra for claim 1 wherein critical is in red and non-critical is in black and on p. 137 with critical definition values of ‘yes and ‘no’.

F. Per claim 9, “A workflow system comprising: a workflow server engine for ... on the display device” is disclosed supra for claim 1 and on p. 260, MS-Project using networks.

G. Per claim 10, “The workflow system of claim 9, wherein the display device is a workflow editor” is disclosed supra for claim 9 and on p. 86-89 under ‘Edit Tasks and Resources’.

H. Per claim 13, “A method of collecting information ... on the workflow diagram” is disclosed supra for claim 1, wherein ‘collecting’ is equivalent to ‘gathering’.

I. Per dependent claims 14 and 16, these are directed to a method for performing the method of independent claims 1 and dependent 4, and therefore are rejected to claims 1 and 4.

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J. Per claim 19, "The method of claim 13, wherein the collected execution statistics includes execution time of one or more steps" is disclosed supra for claim 1 on p. 289. Depicted on p. 289 is execution time (duration) measured in days, i.e. 2d, 4d, 3d. However duration can also be measured in minutes, hours, and weeks as shown on p. 137 for 'Duration'.

K. Per claim 24, "A method of collecting information ... with the computer system" is disclosed supra for claims 1 and 4, wherein 'collecting' is equivalent to 'gathering'.

L. Per claim 25, "A method of collecting information ... with the computer system" is disclosed supra for claims 13 and 19.

M. Per claim 26, "A method of collecting information ... with the computer system" is disclosed supra for claims 13 and 20.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over MS-Project as applied to claim 1 above, and further in view of Microsoft Project User's Guide, hereafter MS-Project 2.

A. Per claim 6, "The method of claim 1, wherein the execution statistics are selectively displayed by positioning a pointer over the display" is disclosed supra for claim 1. Although "wherein the execution statistics are selectively displayed by positioning a pointer over the

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display” is not found on referenced pages for claim 1, MS-Project 2 does disclose on p. 207

Tooltips: When you want to know what a toolbar button does, pause your mouse pointer over it.

A small label, or ToolTip, appears, defining the button’s function”. While MS-Project 2 on p.

207 does not specifically disclose claim 6, Official Notice is given that examiner’s personal

experience with MS-Project makes use of the same concept of a paused pointer over toolbar

buttons as it does for a paused mouse pointer over PERT chart statistical task information.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a paused pointer over toolbar buttons as disclosed by MS-Project 2 in combination with a paused mouse pointer over PERT chart statistical task information disclosed by Official Notice, and motivated to combine the teachings because it is characteristic of MS-Project.

8. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MS-Project as applied to claim 13 above, and further in view of Wide Workflow Development Methodology, hereafter Workflow.

A. Per claim 20, “The method of claim 13, wherein the collected execution statistics includes the number of exceptions encountered during execution of the workflow” is disclosed supra for claim 13 by MS-Project. However MS-Project does not appear to disclose, “wherein the collected execution statistics includes the number of exceptions encountered during execution of the workflow”, but Workflow does in paragraphs 5.2 – 5.2.7, particularly for instance in figure 15 wherein ‘n’ is the number of exceptions.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply mapping workflow diagrams as disclosed by MS-Project in

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combination with mapping multiple exceptions as disclosed by Workflow, and motivated to combine the teachings because it is a common characteristic of diagramming workflow in both MS-Project and Workflow.

B. Per claim 21, “The method of claim 13, wherein the collected execution statistics displayed as a raw number” is disclosed supra for claim 13 by MS-Project. However MS-Project does not appear to disclose, “wherein the collected execution statistics displayed as a raw number”, but Workflow does in paragraph 4.4.2.4 and particularly in figure 10, wherein the execution statistics happen to be transitions “states are depicted in the state-transition diagram shown in Figure 10. The transitions between the states are labeled by numbers 1 to 9 (i.e. raw numbers).”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply mapping workflow diagrams as disclosed by MS-Project in combination with mapping transition represented (raw numbers) as disclosed by Workflow, and motivated to combine the teachings because it is a common characteristic of diagramming workflow in both MS-Project and Workflow. (MS-Project uses task ID numbers)

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over MS-Project as applied to claim 13 above, and further in view of InfoNet and Borg et al. (U. S. Patent Number 5,835,898), hereafter Borg.

A. Per claim 22, ““The method of claim 13, wherein the collected statistical information is displayed as a percentage” is disclosed by MS-Project, supra for claim 13. Although MS-Project does not seem to disclose, “wherein the collected statistical information is displayed as a percentage” InfoNet discloses at “ It then charts percentages of deadlines made and missed by DXP day-by-day”, and Borg furthermore discloses in col. 11, lns. 30-40 at “The utilization

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indicators now show the utilization percentage of each work center on the shop overview image as illustrated in FIG. 2c. The display-shop-overview process 120 also displays the percentage value next to the utilization indicator and in the status bar, along with other information as described above. If the user so desires, he or she can request another refresh operation using a different time period, and the display-shop-overview process 120 repeats the functional steps shown in blocks 320, 325, 330, and 310. Otherwise, the software program 103 returns to the work flow shown in FIG. 4 at decision block 125.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply workflow process execution disclosed by MS-Project and Info Net in combination with “workflow percentage” disclosed by Borg and motivated to combine because it gives an advantage of the visual schedule management system in that it accomplishes all of the report-based tasks of the prior art through on-line, graphical displays and models the methods most job shops use currently as revealed in col. 4, lns. 12-15.

Response to Arguments

10. Substance of the first Office Action, of 11/29/2002, used in the rejection is incorporated herein by reference.

11. Applicant's arguments with respect to claims 1, 4-10, 13, 14, 16, 19-22 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

13. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

J.F. Cunningham

gfc

May 13, 2003

Matthew C. Bella

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